

REMARKS

The Office Action, including the Examiner's analyses and the prior art references relief upon, has been carefully considered. Claims 1 and 2 have been amended in order to obviate the 35 U.S.C. § 112 rejections and more clearly define over the prior art.

Claim 1 has been amended to concisely describe the oil and fat solvent as containing 10% by weight or more of a fat-soluble polyhydric alcohol fatty acid ester. In other words, Claim 1 requires that the oil and fat solvent contain 90% or less of other ingredients.

Claim 2 has been amended to more clearly describe the use of two solvents in the claimed process. The "licorice is mixed with the oil and fat solvent." The oil and fat solvent is "used together with at least one organic solvent"

It is respectfully submitted that the aforescribed amendments obviate any indefiniteness which the Examiner has attributed to the original language of Claims 1 and 2. As such, it is requested that the 35 U.S.C. § 112 rejections be withdrawn.

Regarding the prior art rejections, Claim 1 requires that a polyhydric alcohol fatty acid ester have "licorice," not licorice extract, mixed into it. As explained at page 6, lines 15-25, of the specification, a licorice extract obtained with a common organic solvent is not "licorice" as defined by Claim 1.

In contrast to the invention of Claim 1, Tagawa et al. (JP2000-239176) discloses a process for producing an oil and fat composition comprising (A) a polyhydric alcohol fatty acid ester, (B) a hydrophobic Glycyrrhizae Radix (licorice) extract, and (C) oil and fat. In the specification, Tagawa et al. describes the hydrophobic Glycyrrhizae Radix

(licorice) extract as being an extract with an organic solvent, an extract with the organic solvent removed, or a purified extract which is extracted from Glycyrrhizae Radix (licorice) by an organic solvent such as ethanol, chloroform, methylene chloride, and ethyl acetate. In other words, Tagawa et al. explains that the polyhydric alcohol fatty acid ester is not mixed with Glycyrrhizae Radix (licorice), but is mixed with an extract of licorice.

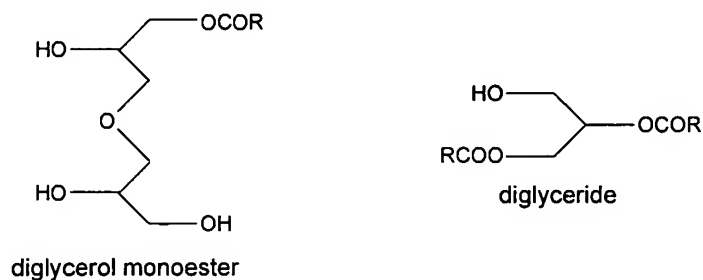
As described in the applicants' specification, page 7, "[i]f the content of the fat-soluble polyhydric alcohol fatty acid ester is 10% by weight or more, the effect of extracting hydrophobic components from licorice is satisfactorily exhibited." In this first paragraph of page 7 in the specification, it is also made clear that mixing with licorice, not an extract of licorice is critical to applicants' invention. Tagawa et al. does not describe or suggest mixing licorice, as opposed to a licorice extract, in a solvent containing 10% or more of the fatty and ester. Tagawa et al. does not describe or inherently provide the effects achieved by applicants' claimed process. Thus, Claim 1 is clearly not anticipated by Tagawa et al., nor is the invention it describes suggested (rendered obvious) by Tagawa et al.

Regarding the 35 U.S.C. § 103(a) rejection of Claim 1 based on Mae et al. and the JP2000-204370 reference, Mae et al. adds nothing to Tagawa et al. insofar as the claimed invention is concerned. Mae et al., as the Examiner recognizes, discloses the use of an organic solvent produced extract. The JP2000-204370 reference discloses using polyglycerol condensed ricinoleic acid ester as an emulsifier, not as an extraction solvent. Ordinarily, an emulsifier is used for mixing oil and water, but is not used for mixing oil and fat-soluble material. In the present invention, a polyhydric alcohol fatty

acid ester, as an extraction solvent, is mixed directly with licorice, and polyglycerol condensed ricinoleic acid ester is more preferable as a polyhydric alcohol fatty acid ester (see first paragraph of page 8 in the specification). JP2000-204370 does not disclose or suggest using polyhydric alcohol fatty acid ester or polyglycerol condensed ricinoleic acid ester as an extraction solvent.

It should thus be seen that Tagawa et al., Mae et al. and the JP2000-204370 reference each lack a description or suggestion of the critical aspects of Claim 1. Thus, Claim 1 should be allowable in its present form

If Claim 1 is in allowable form, its dependent Claims 2-9 and 12-15 should also be allowable. Also, however, with specific regard to Claims 12-15, Tagawa et al. discloses using diglycerol fatty acid ester and triglycerol fatty acid ester as polyhydric alcohol fatty acid esters. Here, diglycerol fatty acid ester and triglycerol fatty acid are different from the diglyceride and triglyceride, as shown below:



Tagawa et al. does not specifically disclose using monoglyceride, diglyceride, and medium-chain triglyceride as polyhydric alcohol fatty acid esters. As such, an oil and fat composition containing hydrophobic components of licorice produced by using an extraction solvent such as monoglyceride, diglyceride, and medium-chain triglyceride is not disclosed in Tagawa et al.

Claim 16 defines the same invention as Claim 1 in slightly different terms. It should be allowed for the same reasons, as should its dependent Claim 17.

Applicants respectfully suggest that the application is now in condition for allowance. Passage to issue is respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, reading "Richard G. Lione", is positioned above a horizontal line.

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